

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 09, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEISHA L. STEPHENS,

Plaintiff,

v.

CAPITAL ONE,

Defendant.

NO. 2:23-CV-0366-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT is the Court's Order to Comply with Filing Fee Requirement. ECF No. 5. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

On December 15, 2023, Plaintiff filed a *pro se* civil Complaint, along with an application to proceed *in forma pauperis*. Plaintiff was advised that her household resources exceed what the Court deems to be an indigent household. ECF No. 4. Plaintiff was then ordered to pay the filing fee by February 5, 2024.

1 ECF No. 5. Plaintiff was warned that “Failure to timely pay the filing fee will be
2 construed as Plaintiff’s consent to the dismissal of this action.” *Id.*

3 Plaintiff did not comply and has not paid the statutorily required filing fee.

4 Parties filing actions in the United States District Court are required to pay
5 filing fees. 28 U.S.C. § 1914(a). Failure to pay the statutory filing fee will result
6 in dismissal of these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d
7 109, 112 (9th Cir. 1995) (district court has authority to dismiss without prejudice
8 complaint for failure to pay filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir.
9 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay required
10 filing fees).

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 This action is **DISMISSED** without prejudice for failing to pay the filing fee
13 pursuant to 28 U.S.C. § 1914(a).

14 The District Court Executive is directed to enter this Order, enter judgment
15 accordingly, furnish a copy to Plaintiff at the address of record, and **CLOSE** the
16 file.

17 **DATED** February 9, 2024.



Thomas O. Rice
THOMAS O. RICE
United States District Judge